

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JIMMY HAWS, SETH DANIEL HAWS,
and MIA SKYE HAWS, minors, by and
through their guardian ad litem, CARRIE A.
HAWS, and CARRIE A. HAWS,
individually,

Plaintiffs,

v.

COUNTY OF MONTEREY, MICHAEL
KANALAKIS, NATIVIDAD MEDICAL
CENTER and DOES 1-300, inclusive,

Defendants.

Case No. C 07-02599 JF

[PROPOSED] ORDER ON DEFENDANTS
COUNTY OF MONTEREY AND
MICHAEL KANALAKIS' MOTION TO
DISMISS PLAINTIFFS' FIRST AMENDED
COMPLAINT
[F.R.C.P. 12(b)(6)]

Date: November 2, 2007
Time: 9:00 a.m.
Ct rm: 3, 5th Floor
Judge: Hon. Jeremy Fogel
Action Filed: May 16, 2007

The Defendants County of Monterey and Michael Kanalak is' Motion to Dismiss Plaintiffs' First Amended Complaint having come on regularly for hearing on November 2, 2007, at 9:00 a.m., before the Honorable Jeremy Fogel in Courtroom #3, 5th Floor, located at 280 South First Street, San Jose, California. Deputy County Counsel Traci A. Kirkbride appeared on behalf of Defendants County of Monterey and Michael Kanalak is. Plaintiffs appeared through their attorney of record. Other appearances were as noted for the record.

After considering the papers filed in support of and in opposition to Defendants' Motion to Dismiss, and the arguments presented by the parties,

1 THE COURT ORDERED:

2 Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint pursuant to F.R.C.P.
3 12(b)(6) is hereby granted with/without leave to amend;

4 IT IS SO ORDERED.

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6 DATED: November ____, 2007.

7 _____
JEREMY FOGEL
United States District Judge

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